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SIPDIS

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FOR EAP/RSA, EAP/MTS AND G/TIP

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TAGS: [PHUM](#) [PGOV](#) [PREL](#) [ELAB](#) [SMIG](#) [KCRM](#) [KWMN](#) [MY](#)
SUBJECT: MALAYSIA: INTERIM ASSESSMENT FOR TRAFFICKING IN
PERSONS SPECIAL WATCHLIST COUNTRIES

REF: A. STATE 178111

[1](#)B. KUALA LUMPUR 1661
[1](#)C. KUALA LUMPUR 1804
[1](#)D. KUALA LUMPUR 2035

[1](#)1. (U) Embassy Kuala Lumpur provides the following submission as an interim assessment of targeted actions by Malaysia on trafficking in persons since the June release of the 2006 TIP report, as requested ref A.

Shelter for Trafficking Victims

[1](#)2. (SBU) The Government of Malaysia has not yet opened a government shelter for foreign trafficking victims. In an effort to satisfy previous commitments to open a shelter, the GOM has gazetted five structures as specially designated immigration detention facilities for foreign trafficking victims, but has not yet opened any of these facilities. These structures are designed to be operated entirely by the Department of Immigration as separate facilities prior to deportation. To our knowledge, funds have not yet been ear-marked for the outfitting and staffing of these structures. Malaysian police continue to cooperate with and utilize several NGO shelters, as well as the shelters run by the Indonesian and Philippines embassies (see below).

Anti-Trafficking Legislation

[1](#)3. (SBU) The Government of Malaysia has not yet initiated the drafting of comprehensive anti-trafficking legislation pending a Cabinet-level decision as to whether to pursue a new law or to amend existing laws. The Inspector General of Police, the Minister of Women, Family and Community Development, and the Minister of Home Affairs, have all spoken publicly expressing their support for a new law, but all made it clear in conversations with U.S. officials that they look for advice from the Attorney General's Office (AGO). The Internal Security Ministry stated that the decision on the law rests jointly with the AGO and the Home Affairs Ministry. Malaysia's Attorney General has expressed skepticism on the necessity and viability of passing a new law and expressed to senior U.S. officials that if the GOM were to pass such a law it would only be to satisfy the U.S. tier-ranking process. The Royal Malaysian Police have advised us that they intend to draft a proposed law which will then be submitted to the Attorney General's office for consideration, an action which would occur outside the normal law making process.

Screening and Identifying Victims

¶4. (SBU) The Royal Malaysian Police have successfully implemented a referral system to place foreign trafficking victims in shelters run by NGOs and certain foreign embassies. However, shelter space in private shelters remains inadequate to house all identified victims, and those whom shelters cannot accept are remanded to immigration detention facilities for deportation processing. Neither the police nor immigration departments have implemented training programs to properly screen and identify trafficking victims from the hundreds of thousands of illegal migrants which pass through Malaysia every year. Both police and immigration officers repeatedly have sought TIP training assistance from the U.S. Government, but delays in project funding have prevented such training from going forward. Following November 16 advice of funding, Embassy Kuala Lumpur is working with the USDOT ICITAP program in Jakarta in anticipation of the start of a project that will include training of police in TIP victim identification.

Other Developments

¶5. (SBU) The GOM informed us in August of a cabinet-level decision that appointed the Ministry of Internal Security (MIS) as the overall coordinating ministry for trafficking issues. MIS convened one inter-ministerial meeting to discuss the need for a comprehensive trafficking law and options for shelters. The meeting referred the matter of a new law to the AGO and the Home Affairs Ministry for recommendations. We are not aware of further meetings or inter-ministerial recommendations. It is not clear what role the MIS will continue to play in coordinating GOM actions to combat trafficking in persons.

LAFLEUR